

# Notice of Allowability

Application No.

09/862,946

Examiner

Jonathan Ouellette

Applicant(s)

PIERRE GODINOT ET AL.

Art Unit

3629

## -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 12/18/2003 and 4/21/2004.
2. ☒ The allowed claim(s) is/are 1-6 and 13-18.
3. ☐ The drawings filed on \_\_\_\_\_ are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All    b) ☐ Some\*    c) ☐ None    of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).


\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.  
**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  6. ☒ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☒ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☒ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

### Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit  
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),  
Paper No./Mail Date \_\_\_\_\_
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

  
**JOHN G. WEISS**  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600



## DETAILED ACTION

### *Response to Amendment*

1. As per Applicant's amendment filed 4/21/2003, Claims 7-12 have formally been cancelled; therefore, **Claims 1-6 and 13-18** are pending in application 09/862,946.

### *Claim Rejections - 35 USC § 112*

2. The rejection of Claims 1-18 under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention is withdrawn after further consideration by the Examiner.

### *Claim Rejections - 35 USC § 103*

3. The rejection of Claims 1-6 and 13-18 under 35 U.S.C. 103(a) as being obvious over Reading Scientific Services Ltd. is withdrawn due to the decision rendered by the Board of Patent Appeals and Interferences on 4/28/2005.

### *Allowable Subject Matter*

4. **Claims 1-6 and 13-18 are allowed.**
5. The following is an examiner's statement of reasons for allowance:
6. As per **independent Claim 1**, the prior art does not teach or suggest a method for visually presenting the taste attributes of a sample comprising: providing the position of the variable position scale to a computing means, said computing means providing a simultaneous visual interpretation on a screen of the attributes of the sample.

7. Reading Scientific Services Ltd. (www.rssl.com) teaches or suggests a method for visually presenting the taste attributes of a sample comprising: (a) providing a subject; (b) providing the subject with a sensory perception scale for taste on a computing device using a plurality of attributes selected from the group consisting of sweetness, saltiness (salty), bitterness, sourness, mintiness, coolness, grittiness, burning, biting, tingling, bad after taste, and metallic; said sensory perception scale having variable positions; (c) providing the subject with a test sample and requesting said subject to sample the test sample; (d) asking the subject to rate from about 4 to about 6 attributes of the samples selected from the group consisting of sweetness, saltiness, bitterness, sourness, mintiness, coolness, grittiness, burning, biting, tingling, bad after taste, and metallic; by manipulating the positions of the perception scale (Darrington, Hugh, "Extra sensory perception." Food Manufacture, v65, n8, p51(2), October 1990).
8. Furthermore, a computer device which contains a plurality of attributes in which to rate the sample, would be have been obvious to one of ordinary skill in the art at the time the invention was made from the teachings of Reading Scientific Services Ltd.
9. However, Reading Scientific Services Ltd. fails to expressly disclose providing the position of the variable position scale to a computing means, said computing means providing a simultaneous visual interpretation on a screen of the attributes of the sample, as disclosed in independent claim 1.
10. As per **independent Claim 13**, the prior art does not teach or suggest a method for visually presenting the olfactory attributes of a sample comprising: (e) providing the

position of the variable position scale to a computing means, said computing means providing a simultaneous visual interpretation on a screen of the attributes of the sample.

11. Reading Scientific Services Ltd. ([www.rssl.com](http://www.rssl.com)) teaches or suggests a method for visually presenting the olfactory (smell) attributes of a sample comprising: (a) providing a subject; (b) providing the subject with a sensory perception scale for olfaction on a computing device *using* (see rejection for independent Claim 1) a plurality of attributes; (c) providing the subject with a test sample and requesting said subject to sample the test sample; (d) asking the subject to rate from about 4 to about 6 attributes of the samples (Darrington, Hugh, "Extra sensory perception." Food Manufacture, v65, n8, p51(2), October 1990).
12. Furthermore, a computing device containing a plurality of attributes selected from the group consisting of citrus, floral fruity, woody spicy leathery, herbaceous, musk, amber, and oriental; said sensory perception scale having variable positions, would be have been obvious to one of ordinary skill in the art at the time the invention was made from the teachings of Reading Scientific Services Ltd.
13. However, Reading Scientific Services Ltd. fails to expressly disclose providing the position of the variable position scale to a computing means, said computing means providing a simultaneous visual interpretation on a screen of the attributes of the sample, as disclosed in independent claim 13.
14. The remaining **dependent Claims 2-6 and 14-18** are considered allowable, as they are dependent and based off of an allowable independent claim.

15. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

***Response to Arguments***

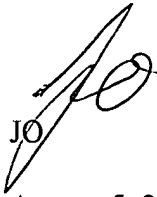
16. Applicant's arguments filed 12/18/2003 and 4/21/2004 with respect to claims 1-6 and 13-18, have been fully considered and are deemed persuasive by the Board of Patent Appeals and Interferences (decision filed 4/28/2005).

***Conclusion***

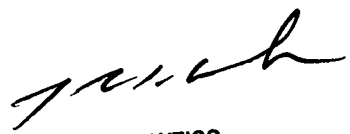
17. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan Ouellette whose telephone number is (571) 272-6807. The examiner can normally be reached on Monday through Thursday, 8am - 5:00pm.
18. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone numbers for the organization where this application or proceeding is assigned (571) 273-8300 for all official communications.
19. Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Office of Initial Patent Examination whose telephone number is (703) 308-1202.

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A handwritten signature in black ink, appearing to be "JO" followed by a stylized flourish.

August 5, 2005

A handwritten signature in black ink, appearing to be "J. G. Weiss" in a cursive style.

JOHN G. WEISS  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600